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Hon. Gabriel W. Gorenstein
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Courtroom 6B
New York, NY 10007-1312

Re: *Perez Perez et al. v. Escobar Construction, et al.* (Civ. No. 1:20-cv-08010-LTS-GWG)

Dear Judge Gorenstein:

We represent Defendants in the above-referenced matter. We are writing in response to Plaintiffs' filing of May 12, 2023. (ECF No. 270) As stated below, Defendants respectfully request that this Court deny Plaintiffs' request for an extension.

Plaintiffs' request fails to comply with Section 1.E of your Honor's Individual Practices, which expressly provides that "[r]equests for extensions of deadlines must state (1) the date or dates sought to be extended, (2) the number of previous requests for extensions, (3) the reason for the extension, and (4) whether the adversary objects and, if so, the reasons given by the adversary for objecting." This is not the first time Plaintiffs have requested such an extension. Please refer to ECF No. 219.

Furthermore, Plaintiffs do not include my reasons for my objection to Plaintiffs' request. On May 12, 2023, within one business day before the deadline for Plaintiffs to file their motion, at 3:46 p.m., Plaintiffs' Counsel emailed me and asked me to consent to "an enlargement of time by 90 days" for their motion to substitute (Email from John Tory Esq. to Yuting Li, Esq.). I denied his request and gave the following reasons: (1) Defendants have been substantially prejudiced by the unnecessary and unreasonable length of this action due to Plaintiffs' delay; and (2) we have previously consented to Plaintiffs' request for an extension, and thus cannot consent to a further extension. *See*, ECF No. 219.¹

¹ Furthermore, on January 8, 2023, Plaintiffs' Counsel alleged that "[h]owever, should it not appear likely that it will do so, we may move the Surrogate's Court on an emergency basis to appoint the public administrator a temporary administrator for the limited purpose of substituting for Oscar Garza." [sic]. (ECF No. 219). It is unclear what Plaintiffs' Counsel has done to avoid further delay since this Court's Order of February 9, 2023. (ECF No. 233).

Considering the posture of this action, along with Plaintiffs' continued violation of your Honor's Individual Practices², Defendants respectfully request that your Honor deny Plaintiffs' request for an extension, so as to avoid further delay in this action and so as to not prejudice Defendants.

Thank you for your time and consideration of this matter.

Dated: May 15, 2023

Respectfully yours,

_____/s/_____

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² The Order to Show Cause as to why Plaintiffs' Counsel should not be sanctioned for his repeated violations of Your Honor's Individual Practice is pending in this action. (ECF No. 261).